Docket No.: 20052/1200518-US5
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Randolph J. Noelle et al.

Application No.: 09/164,568 Confirmation No.: 6823

Filed: October 1, 1998 Art Unit: 1644

For: METHODS FOR INDUCING ANTIGEN SPECIFIC T CELL TOLERANCE Examiner: P. Gambel

SUBSTITUTE "SUMMARY OF CLAIMED SUBJECT MATTER" SECTION TO APPEAL BRIEF FILED FEBRUARY 26, 2007

Technology Center
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 41.37(c)(1)(V) and the Notification of Non-compliant Appeal Brief mailed July 5, 2007, this paper provides a summary of the claimed subject matter mapped to the specification, and should be substituted for the content under the heading "**SUMMARY OF CLAIMED SUBJECT MATTER**" contained in the Appeal Brief dated February 26, 2007.

V. Summary of claimed subject matter

The currently claimed invention is a method of reducing antigen-specific T cell responsiveness *in vivo* which method comprises administering to a subject in need of such treatment (a) an antigen-presenting cell (APC) that presents an autoantigen to an activated T cell expressing mouse or human gp39 **and** (b) an anti-gp39 antibody which binds to mouse or human gp39 on the activated T cell, wherein the anti-gp39 antibody is administered prior to, concurrent with, or subsequent to administration of the APC in an amount effective to reduce T cell responsiveness to the antigen-presenting cell (claims 82-94; specification, page 3, lines 5-22, lines 29-31; page 5, line 32 - page 6, line 4; page 6, lines 10-12; page 11, lines 5-21; Example 1, page 14, lines 15-35; Example 2, page 15, lines 1-17; Example 3, page 15, line 20 - page 17, line 32; Example 4, page 17, line 34 - page 19, line 36; Example 5, page 20, line 1 - page 26, line 36).

This inhibition is achieved by administering an APC with a gp39 antagonist. A gp39 antagonist is defined as a molecule which interferes with the interaction of gp39 on a T cell with a gp39 ligand on the APC (specification, page 3, lines 23-26; page 6, lines 29-33). The gp39 antagonist can be an anti-gp39 antibody (claims 82, 92-94; specification, page 3, line 26; page 6, lines 33-35; Example 6, page 27, line 1 - page 29, line 6). The anti-gp39 antibody can be an anti-human anti-gp39 antibody (claim 92; specification, page 8, line 37; Example 6, Experiments 1 and 2, page 27, line 1 - page 28, line 32), a humanized anti-human anti-gp39 antibody (claim 93; specification, page 6, line 35; page 8, lines 16-26), or a chimeric anti-human anti-gp39 antibody (claim 94; specification, page 6, line 34; page 8, lines 6-15).

An antigen presenting cells is one which can present antigen to T cells and includes B lymphocytes (including splenic activated lymphocytes, peripheral blood lymphocytes, and bone marrow lymphocytes), "professional" antigen presenting cells such as monocytes, dendritic cells, and Langerhan cells, and other cells such as keratinocytes, endothelial cells, astrocytes, fibroblasts, and oligodendrocytes (claims 83-91; specification, page 9, line 34 - page 11, line 2; Examples 1-5).

It is respectfully submitted that the Appeal Brief filed February 26, 2007 now fully meets the requirements of 37 C.F.R. § 41.37 and the application is ready to be docketed for appeal.

Dated: July 11, 2007

Respectfully submitted,

By _____

Bonnie Kramer Carney
Registration No.: 36,073
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicants

PTO/SB/21 (04-07)
Approved for use through 09/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	3

Application Number	09/164,568-Conf. #6823
Filing Date	October 1, 1998
First Named Inventor	Randolph J. Noelle
Art Unit	1644
Examiner Name	P. Gambel
Attorney Docket Number	20052/1200518-US5

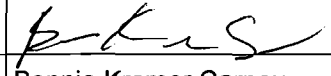
ENCLOSURES (*Check all that apply*)

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please Identify below):

Remarks

Substitute "Summary of Claimed Subject Matter" Section to Appeal Brief Filed February 26, 2007

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	DARBY & DARBY P.C.		
Signature			
Printed name	Bonnie Kramer Carney		
Date	July 11, 2007	Reg. No.	36,073

Express Mail Label No. _____ Dated: _____